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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/733,610 | 12/11/2003 | Charles W. Cross | BOC9-2003-0066 (437) | 8543 |
| 40987 7590 04/10/2007 AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188 | | | EXAMINER RIDER, JUSTIN W | |
| | | | ART UNIT 2626 | PAPER NUMBER |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/733,610

Applicant(s)

CROSS ET AL.

Examiner

Justin W. Rider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>07/2004 (2 Sheets)</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Application filed 11 December 2003.

Claims 1-24 are pending.

Information Disclosure Statement

2. The information disclosure statement(s) (IDS) submitted on 26 July 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 5, 7-10, 12-16, 19 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by **Rouillard, J. 'A Multimodal E-commerce application coupling HTML and VoiceXML', The Eleventh International World Wide Web Conference, Honolulu, Hawaii, USA. May 2002, <http://www2002.org/CDROM/poster/73/> referred to as Rouillard** hereinafter.

Claims 1, 15 and 24: **Rouillard** discloses a method, system and machine-readable storage for speech enabling an application, comprising:

- i. specifying a speech input with a speech-enabled markup (p. 1, Abstract, *'allows a customer to user her voice in input'*);
- ii. defining within said speech-enabled markup at least one operation of an application that is to be executed upon a detection of said specified speech input (p. 1, section 1.1, *'The voice interaction begins with...'*);
- iii. after said defining step, instantiating said application (p. 1, section 1.1);
- iv. detecting said specified speech input (p. 1, Abstract, *'allows a customer to user her voice in input and see the results'*, (i.e. the application detects input, processes it and displays result)); and
- v. executing said application operation responsive to said detecting step (p. 1, Abstract, *'allows a customer to user her voice in input and see the results'*, (i.e. the application detects input, processes it and displays result), p. 1, section 1.1).

Claims 2 and 16: **Rouillard** discloses a method and machine-readable storage as per claims 1 and 15 above, wherein said application is a multimodal Web browser (p. 1, section 1, *'Providing a multimodal...heterogeneous devices (phone and Web browser for example)'*).

Claims 5 and 19: **Rouillard** discloses a method and machine-readable storage as per claims 1 and 15 above, further comprising:

- i. associating said speech-enabled markup with a graphical user interface element of said application (p. 3, section 1.2, *'In the oral interaction, the machine asks the user to go to a traditional web page and to complete a form (see Figure 2)'*, (i.e. a user interface));

ii. determining that said graphical user interface element receives focus (p. 2, Figure 2, *it is inherent that when a user is entering information within a graphical user interface that it has focus*); and

iii. responsive to said determination, activating said speech-enabled markup so that said application starts monitoring audible input for said specified speech input (p. 3, section 1.2, *'From this moment...If the registration number used by the consumer is correct, the interaction continues on an oral mode'*).

Claims 7-9 and 21-23: **Rouillard** discloses a method and machine-readable storage as per claims 1 and 15 above, wherein said application is written in a Markup language, Voice Extensible Markup Language, and Extensible Hypertext Markup Language (p. 1, section 1.1, *'Creating HTML or VoiceXML pages...'*).

Claim 10: **Rouillard** discloses a speech-enabled application comprising:

i. a graphical user interface element configured to initiate at least one application operation responsive to a predefined graphical user interface event (p. 2, Figure 2, *this is a GUI that allows a consumer to register within the application, and once this is done, the application continues to oral dialogue mode.*);

ii. a speech-enabled markup associated with said graphical user interface element that specifies said application operation is to be performed responsive to a speech input (p. 3, section 1.2, *'From this moment...If the registration number used by the consumer is correct, the interaction continues on an oral mode'*); and

iii. a markup interpreter configured to interpret said speech-enabled markup and initiate said application operation responsive to said speech input (p. 3, section 1.2, *'From this*

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moment...If the registration number used by the consumer is correct, the interaction continues on an oral mode').

Claim 12: **Rouillard** discloses a speech-enabled application as per claim 10 above, wherein said speech-enabled application is a Web browser (p. 1, section 1, '*Providing a multimodal...heterogeneous devices (phone and Web browser for example)).*

Claim 13: **Rouillard** discloses a speech-enabled application as per claim 12 above, wherein said markup interpreter is configured to interpret speech-enabled markup contained within Web pages rendered by said Web browser (p. 1, section 1.1, '*The voice interaction begins with the welcome.vxml file...which continue to interact in oral mode, generating a VoiceXML document.*').

Claim 14: **Rouillard** discloses a speech-enabled application as per claim 10 above, wherein said application is written in a Markup language (p. 1, section 1.1, '*Creating HTML or VoiceXML pages...).*

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4, 11 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rouillard** in view of **Eberman et al., 'Building voiceXML browsers with openVXI',**

Proceedings of the 11th International conference in World Wide Web, 2002, pp. 713-717

referred to as **Eberman** hereinafter.

Claims 3 and 17: **Rouillard** discloses a method and machine-readable storage as per claims 1 and 15 above, however failing to disclose, but **Eberman** does, further comprising providing a speech-enabled markup interpreter within an operating system (p. 714, section 3, *'Figure 2 shows the OpenVXI toolkit architecture and its component parts. All components are designed to be portable across WINDOWS and Unix operating systems.'*) upon which said application executes, wherein said speech-enabled markup interpreter is used to detect said speech input and responsively initiate said application operation (p. 716, section 4.3, *'VoiceXML 2.0 added a required W3C Speech Recognition Grammar Format (SRGF)...'*).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **Eberman** in the systems of **Rouillard** because it accelerates VoiceXML implementation and converged application development, in which the advantages include visual and voice interfaces sharing a common set of functionality and a common language (p. 713, introduction).

Claims 4 and 18: **Rouillard** discloses a method and machine-readable storage as per claims 3 and 17 above, however failing to disclose, but **Eberman** does, further comprising rendering a Web page within said application (p. 713, introduction, *'The VoiceXML 2.0 script is then rendered on a voice browser that under stands the language.'*), wherein said Web page includes speech-enabled markup for at least one element of said Web page, and wherein said speech-enabled markup interpreter speech-enables said Web page element (p. 716, section 4.4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **Eberman** in the systems of **Rouillard** because of the reasons outlined above.

Claim 11: Claim 11 is similar in scope and content to that of claim 3 above, and so therefore is rejected under the same rationale.

7. Claim 6 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over **Rouillard** in view of **Kraft, IV et al. (USPN 5,867,160)** referred to as **Kraft** hereinafter.

Claims 6 and 20: **Rouillard** discloses a method and machine-readable storage as per claims 5 and 19 above, however failing to disclose, but **Kraft** does, further comprising determining that said graphical user interface element loses focus (col. 7, lines 21-27, '*lowering the priority of an application when it loses focus*, '); and responsive to said loss of focus, deactivating said speech-enabled markup so that said application no longer monitors audible input for said specified speech input (col. 7, lines 21-27, '*lowering the priority*'). It would be obvious that by lowering the priority of an application window, that certain functionality specific to that window should be deactivated.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the teachings of **Kraft** in the system of **Rouillard** because is provides a solution to non-focused applications, tasks, and workspaces consuming valuable CPU resources, thereby providing better performance.

Conclusion

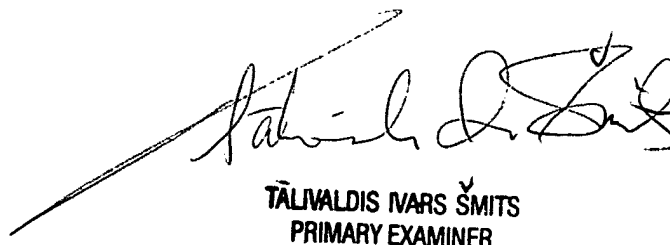
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Khan et al. (US 2002/0165988 A1)** discloses a system dealing with multimodal Web browsing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin W. Rider whose telephone number is (571) 270-1068. The examiner can normally be reached on Monday - Friday 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J.W.R.
04 April 2007



TĀLVALDIS IVARS ŠMITS
PRIMARY EXAMINER